

MINUTES

UTAH RESPIRATORY CARE PRACTITIONERS LICENSING BOARD MEETING

September 20, 2006

Room 402 (formerly 428) – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:16 A.M.

ADJOURNED: 11:10 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

J. S. Roger Jones, MD
Anita Austin
Beverly J. Lambdin

Board Members Absent:

Georgine Bills, Board Chairperson
Jack Fried

Guests:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Board Chairperson

Dr. Jones was requested to act as Chairperson for the opening of this meeting.

Swearing in of Beverly J. Lambdin as a Board Member

Ms. Taxin conducted the swearing in of Ms. Lambdin.
Board members welcomed Ms. Lambdin.

Read and approve the September 21, 2005 Minutes.

Ms. Austin made a motion to approve the minutes as read. Ms. Lambdin seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:30 A.M.

Troy Gotfredson, Probationary Interview

Mr. Gotfredson met for his probationary interview.

Board members and Division staff were introduced.

Ms. Taxin conducted the interview.

To refresh the Board's memory and to update Ms. Lambdin, Ms. Taxin briefly reviewed Mr. Gotfredson's Stipulation and Order. Ms. Taxin read Mr. Gotfredson's letter requesting termination of probation, the letter from his therapist who stated that there were no concerns and that he is not a danger to the public. Ms. Taxin stated that the Stipulation and Order requires Mr. Gotfredson to complete the court ordered requirements and then he may request termination of probation. She stated that the court ordered requirements have been met.

Ms. Taxin requested Mr. Gotfredson to respond regarding what he has learned from the experience and how he might handle a similar situation differently.

Mr. Gotfredson responded that he has learned that it is ok for him to voice an opinion but others do not have to agree with his opinion. He stated that the therapy was a help as he has learned coping skills and found that there are many avenues to release frustrations. He stated that he is of the opinion that this experience has made him a better person.

Mr. Gotfredson stated that he has completed all the court requirements and is requesting the Board to consider termination of his probation with DOPL.

Ms. Austin made a motion to terminate probation based on Mr. Gotfredson consistently being in compliance with his DOPL probation and having completed all his court ordered requirements.

Ms. Lambdin seconded the motion.

The Board vote was unanimous.

DISCUSSION ITEMS:

Board Chairperson

Dr. Jones nominated Ms. Austin as Board Chairperson. Ms. Lambdin seconded the motion. **The Board vote was unanimous.**

FYI

9:46 A.M. Karl Perry, AAG, arrived at the meeting to assist with the Rules review.

Rules Review

Ms. Taxin reviewed the May 1, 2006 Law with the Board and specifically the areas that may require a Rule to be written to clarify the Law.

Ms. Taxin and the Board reviewed 58-57-2(6)(k), "Respiratory related durable medical equipment" means:... (k) other respiratory related equipment intended for use in the home as defined by the division by rule.

Ms. Austin explained that the list of medical equipment listed is adequate at this time, however, equipment does change and a rule could be written when new equipment technology is developed and available.

Ms. Taxin and the Board agreed that further definition by Rule is not required at this time. Ms. Taxin suggested the Rule say not on the market as of September 2006.

The Board and Mr. Perry agreed.

Ms. Austin stated that external nutrition equipment is listed under (j) of the same section. She stated that external nutrition is not part of the respiratory scope of practice but it is excluded.

Ms. Taxin moved on to 58-57-2(8) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:. Ms. Taxin stated that there is no rule further defining unprofessional conduct.

Mr. Perry commented that the section refers to 58-1, which is the umbrella act and covers the professions in most areas. He agreed that a specific rule is not required at this time.

Ms. Taxin moved to 58-57-4(2)(e) and stated this section refers to the education as defined by rule. Ms. Taxin stated she is of the opinion that the current rule, R156-57-302b, currently defines the appropriate

education to be a program accredited by the Committee on Accreditation for Respiratory Care (COARC).

The Board concurred.

Dr. Jones asked if he should be serving on the Board as 58-57-3(1)(a) requires one physician who is a member of either the American Society of Anesthesiologists, the American College of chest Physicians, the American Thoracic Society or the American Academy of Pediatrics. Dr. Jones stated that he is only a member of the American Society of Anesthesiologists.

Ms. Taxin commented that he meets the requirement to serve on the Board as the Law requires the one physician to be a member of one or all of the listed organizations and Dr. Jones is a member of the American Society of Anesthesiologists.

Ms. Taxin reviewed 58-58-5. Licensure by Endorsement and stated that the Rules do not have a section on endorsement. Ms. Taxin asked Mr. Perry if a Rule would be necessary.

Mr. Perry stated that the umbrella Law, 58-1, has endorsement requirements and a Rule for Respiratory Care would not be necessary.

Ms. Taxin asked the Board if they would like a rule for endorsement that would require a specific amount of verified licensed practice to be considered. Ms. Taxin stated that the mental health therapy professions require 4000 hours of licensed practice within the last 3 years immediately preceding submitting the application.

Ms. Austin commented that a current Utah licensee is not held to the standard of having to practice. She asked how we could hold licensees from other States to meet that standard.

Ms. Taxin asked if a licensed person would loose their skills if they did not practice for a period of time.

Ms. Austin responded that there are so many areas

that change so quickly that a licensed person would loose their skills in a short period of time. She stated that the facility would then have to train the licensee to be sure they meet the standards of the areas in their facility.

Ms. Taxin reminded the Board that when we issue a license we are saying the licensee meets a specific standard.

Ms. Austin responded that she would like a verification of active licensed practice for the last 2 years with a verification of practice from the employer.

Ms. Taxin recommended the active practice be within the last 5 years.

The Board concurred.

Ms. Taxin moved on to review 58-57-6(1), Term of license – Expiration – Renewal. Ms. Taxin recommended the Rule, R156-57-306, be written Term of License – Expiration – Renewal to be the same language as the Law.

The Board concurred.

Ms. Taxin asked the Board to review the application to be sure it reflects the new Law and the current and proposed Rules.

Ms. Austin commented that the application requires a copy of the High School diploma or a copy of the GED. She stated that many High School students will complete the High School courses and then take college courses and obtain an Associate Degree without having graduated from High School. Ms. Austin recommended the application request a copy of the High School diploma, a copy of the GED or a transcript of a higher education degree for these people.

The Board concurred.

Ms. Taxin stated that she will put a note in the application under Additional Information regarding

the education equivalent. She stated a copy of the High School Diploma, a copy of the GED or transcript of higher education degree will be noted in the section.

Ms. Taxin stated that a form will have to be developed and included with the application for a person applying by endorsement. She stated that a copy of the application will be sent to Board members when the changes have been made.

The Board thanked Ms. Taxin for reviewing the new Law, for preparing a draft of Rule changes and requesting their input before submitting Rule changes.

Board Member Training

Ms. Taxin conducted the annual Board member training. She distributed information on the Open and Public Meeting Act

Ms. Taxin covered the structure of licensing Board. She covered the requirements to close a meeting and to re-open the meeting. Ms. Taxin stated that a quorum of the Board must be present to conduct Board business of motions. Ms. Taxin covered the requirements to close a meeting and to re-open the meeting.

Ms. Taxin reviewed the responsibilities and Division expectations of a Board member. She stated that the number one responsibility is for the Board to protect the public. Ms. Taxin requested the Board to act fairly and effectively and not be too quick to judge. She stated that the Board should put their personal biases aside and should not come to a Board meet with personal agendas. She reminded Board members to be respectful of each other, the Division, any appointments and probationers. She requested the Board to be open to alternatives and be creative in each individual probationary circumstance.

Ms. Taxin requested Board members excuse themselves and leave the meeting if there is a personal conflict with a probationer.

She reminded the Board that Board business should not be discussed outside a Board meeting.

Ms. Taxin recommended Board members read and understand the Laws and Rules. She suggested they be professional and act with integrity, keep confidentiality and be good role models.

FYI

Ms. Taxin reviewed the Tyler Miller Stipulation with the Board and notified the Board that Mr. Miller was licensed as a Registered Nurse and a Respiratory Care Practitioner. Ms. Taxin stated that Mr. Miller surrendered both licenses.

The Board noted the information.

CORRESPONDENCE:

State Licensure Liaison Group Meeting
Schedule

The Board noted the information.

The information was given to Ms. Austin.

NEXT MEETING SCHEDULED FOR:

Ms. Taxin stated that the next meeting will be a Rules Hearing and she will notify the Board as soon as the date has been determined. She reminded the Board that they are not required to be at a Rules Hearing but are welcome to come to support the changes in the Rules.

Ms. Taxin requested input on the yearly meeting regarding which days of the week are most convenient and possible dates.

Dr. Jones requested the 2007 annual meeting be one of the first 2 weeks in September or October as he is travels out of the country for the last 2 weeks of each month.

The Board concurred that anytime in the first 2 weeks of September or October would be acceptable.

Ms. Taxin thanked the Board and stated that the next meeting will be a Rules Hearing and she will try to include a Board meeting at the same time. She again stated she will notify the Board as soon as possible.

MEETING ADJOURNED AT: 11:10 AM

July 18, 2007
Date Approved

(ss) Anita Austin
Chairperson, Utah Respiratory Care Practitioners
Licensing Board

October 16, 2006
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing